

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN M. ROHRBACH, *et al.*,

Plaintiffs,

v.

NVR, INC., *et al.*,

Defendants.

CIVIL ACTION NO. 19-5847

ORDER

AND NOW, this 24th day of June 2020, upon consideration of Defendant's Motion to Dismiss [Doc. No. 3] and the responses and replies thereto, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part** as follows:

1. The Motion is **GRANTED** as to Count I (Unfair Trade Practices and Consumer Protection Law claim) and Count III (fraudulent inducement claim), which are **dismissed with prejudice**.
2. The Motion is **GRANTED** as to Count IV (negligence claim)¹ and Count V (negligent supervision claim), which are **dismissed without prejudice**.
3. The Motion is **DENIED** as to Count IV (breach of implied warranty) and as to the remedies Defendant sought to strike.
4. Plaintiffs may file an amended complaint, only as to those claims that the Court dismisses without prejudice, no later than **July 8, 2020**.

¹ Two of the counts in Plaintiffs' Complaint are labeled "Count IV." The Court dismisses Plaintiffs' negligence claim, labeled Count IV, but not Plaintiffs' breach of implied warranty claim, also labeled Count IV.

5. If Plaintiffs do not file an amended complaint, Defendant shall file an answer as to the remaining claims no later than **July 22, 2020**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.